



MINUTES
STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, JANUARY 21, 2009

MEMBERS PRESENT: CANDACE BERARDINELLI, PhD, RN, VICE PRESIDENT; CHRISTOPHER DOPKE, JD; LISA DAVIS, RN; CAROLYN JEFFERSON-JENKINS, PhD; CURTIS POWELLS, RN;

MEMBERS BY PHONE: PEGGY BUNKE, RN, NP

MEMBERS EXCUSED: DEBORAH ARCHULETA, RN; JUDITH BURKE, RN, NP; TONI GIBBONS, LPN; SANDRA SUMMERS, RN, PRESIDENT; BETTY WOLFE, LPN

PRESIDING: CANDACE BERARDINELLI, PhD, RN, VICE PRESIDENT

COUNSEL: Y. E. SCOTT, SENIOR ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

1. CONVENE AND ROLL CALL (1:04 P.M.)

Candace Berardinelli, PhD, RN, Vice President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

2. APPROVAL OF MINUTES (1:08 P.M.)

After discussion, a Motion was made, seconded and carried to approve the minutes of the October 22, 2008 Full Board meeting as amended.

3. ANNUAL ANNOUNCEMENT OF LOCATION FOR BOARD MEETING NOTICES (9:07 A.M.)

Candace Berardinelli, PhD, RN, Vice President, announced the location for all Board meeting notices during the year as the reception area of the Division of Registrations, located on the 13th floor of the Civic Center Plaza building, 1560 Broadway, Denver, Colorado.

4. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill updated the Board regarding the Division's progress on the implementation of the inactive licensure status for LPNs and RNs. Director Merrill's update included the posting of the application to inactivate a license on the Board's web site, and the posting of frequently asked questions regarding inactive status which are to be continually updated as needed.

Director Merrill updated the Board regarding the upcoming state legislative session during which all three nursing practice acts, the Nurse Practice Act, the Nurse Aide Practice Act, and the Psychiatric Technician Practice Act would be reviewed. Director Merrill also informed the Board that due to the timing of the legislative session and for budgetary reasons he would not be traveling to Chicago for the mid-year meeting of NCSBN.

Director Merrill presented and the Board reviewed a joint 1999 Memorandum of Understanding between the Nursing Board, the Board of Medicine, and the Colorado Department of Public Health and Environment. After discussion, the Board determined the MOU was outdated and unnecessary and after a discussion, Motion was made, seconded and carried to void the joint 1999 Memorandum of Understanding.

5. RULEMAKING HEARING: CHAPTER IX – RULES AND REGULATIONS FOR THE LICENSED PRACTICAL NURSE IN RELATION TO IV AUTHORITY (1:16 P.M.)

At 1:16 P.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed amendments to the Chapter IX rules.

No additional staff testimony was given regarding the proposed amendments.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

ORAL TESTIMONY WAS GIVEN BY THE FOLLOWING PUBLIC MEMBERS:

1. Carolynn Cassutt, RN, CRNI, CLNC, of Carolynn Cassutt Consulting – Centennial.
2. Tamara Parks, Program Director, PN Program, Emily Griffith Opportunity School – Denver.

At 1:25 P.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter IX rules.

At 1:44 P.M., after discussion, a Motion was made, seconded and carried to table the discussion of the proposed amendments to the Chapter IX rules until a satisfactory definition of “IV push” could be written and presented to the Board for consideration of inclusion in the proposed amendments to the Chapter IX rules.

6. RULEMAKING HEARING: CHAPTER X – RULES AND REGULATIONS FOR CERTIFICATION OF NURSE AIDES (1:44 P.M.)

At 1:44 P.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed amendments to the Chapter X rules.

Additional proposed amendments to the rules were orally given by Program Director Merrill.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral testimony was given by the public during the Rulemaking Hearing.

At 1:55 P.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter X rules.

At 1:57 P.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter X rules as amended with the direction from the Board to staff to make typographical, grammatical, and formatting changes as needed.

7. REQUEST TO INITIATE RULEMAKING PROCESS FOR CHAPTER II – RULES AND REGULATIONS FOR APPROVAL OF NURSING EDUCATION PROGRAMS (2:04 P.M.)

The Board reviewed a Memorandum from Program Director Merrill and an e-mail request from Marty L. Bachman, PhD., RN, Chair, Nursing Department of Front Range Community College.

After discussion, a Motion was made, seconded and carried to initiate the Rulemaking process for Chapter II rules, and the Board further directed the Program Director to convene a work group to examine and discuss proposed amendments, clarifying that the sole purpose of the work group is for the advising of the Program Director on potential proposed amendments prior to the Rulemaking Hearing.

8. POLICY CHANGES (2:04 P.M.)

The Board reviewed a Memorandum from Program Director Merrill outlining the reasons for the proposed changes to the Board policies.

1. Revised Policy 10-03 *Continued Competency Requirements for Practical and Professional Nurses*. After discussion, a Motion was made, seconded and carried to adopt policy 10-03 as amended.
2. Revised Policy 40-02 *Delegated Authority*. After discussion, a Motion was made, seconded and carried to adopt policy 40-02 as amended.
3. Proposed Policy 50-02 *Multistate practice of licensees under public discipline or the Nursing Peer Health Assistance or Nurse Alternative to Discipline Program “Alternative to Discipline” for physical, mental and/or substance abuse problems*. After discussion, a Motion was made, seconded and carried to adopt policy 50-02 as amended.
4. Proposed Policy 60-06 *Faculty Waiver Submissions for Nursing Education Programs*. After discussion, a Motion was made, seconded and carried to adopt policy 60-06 as amended.

9. QUARTERLY REPORTS (2:10 P.M.)

The Board reviewed and noted the following reports:

1. NAAC Quarterly Report: October 1st – December 30th 2008 Applications. The Board noted this report.

2. Enforcement Unit Statistics, Memorandum from Terrie Miller, Enforcement Manager. The Board noted the memorandum and report.
3. Case Statistics Summary, Office of the Attorney General: September 26th – January 5th 2008, prepared by Y. E. Scott, Sr. AAG. The Board noted this report.

10. RECESS (2:13 P.M.)

The Board took a brief recess and reconvened the meeting at 2:29 P.M.

11. NURSE PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM – PEER ASSISTANCE SERVICES, INC. (PAS) (2:30 P.M.)

Rebecca Heck, RN, MPH, Program Director, addressed the Board and provided updates on the number of clients services are provided to, the current structure of the program including a summary of the current services. Lee Ann Aden, Finance and Operations Director addressed the Board and summarized the revenue and expensed incurred within the last quarter and provided budget projections for the remainder of the 2009 fiscal year.

12. POLICY CHANGES CONTINUED (2:53 P.M.)

The Board heard oral testimony from Program Director Merrill regarding the need for a further amendment to Policy 10-03 *Continued Competency for Practical and Professional Nurses*. After discussion, a Motion was made, seconded and carried to adopt Policy 10-03 as additionally amended.

13. OPEN FORUM (2:55 P.M.)

Testimony was given to the Board by the following:

1. Rebekah Lynch, RN, Program Director, Denver School of Nursing, Denver, addressed the Board and provided a handout regarding the Denver School of Nursing's regional accreditation from CCNE. Ms. Lynch expressed her opinion that Denver School of Nursing has sufficiently met the Chapter II requirements for accreditation.
2. Barbara White, BSN Dean of Nursing & Sciences, Colorado Christian University, Lakewood, addressed the Board and provided a handout regarding the deficiencies as outlined by Roberta Hills, Nursing Education Specialist for CCU's request for Phase I recognition.

14. NURSING EDUCATION REPORTS (3:09 P.M.)

Phase I Applications

Colorado Christian University – BSN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase I recognition.

Phase III – Site Visit Report

Colorado Christian University – LPN to ADN Phase III Site Visit Report. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the Phase III Site Visit Report from Colorado Christian University.

Phase IV – Request for Full Approval

Denver School of Nursing – ADN program. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Denver School of Nursing's ADN program Full Approval.

Denver School of Nursing – BSN program. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Denver School of Nursing Full approval with the stipulation that they will only hire full time faculty that meet the qualifications and pending the submission of evidence of their differentiated curriculum.

Continuing Full Approval

Front Range Community College Boulder Campus LPN – ADN program. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Conditional Approval with one year to address non-compliant items.

Emily Griffith Opportunity School – PN program. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Continuing Full Approval with non-compliant issues to be addressed by March 12, 2009.

Curriculum Revisions

Colorado Christian University LPN to ADN Phase III revised course syllabi. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the revised curriculum for Colorado Christian University's LPN to ADN program.

Trinidad State Junior College – Alamosa Campus – ADN program. The Board reviewed a memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept 15% simulation activity as equivalent for 15% of clinical time based on the example submitted and resources available at Trinidad State Junior College.

Education Notes

The Board reviewed and noted a letter from Chamberlain College of Nursing notifying the Board that the College will not pursue its plan to open a campus in Colorado.

The Board noted the national nursing accreditation site visits scheduled for 2009 from the Commission on Collegiate Nursing Education (CCNE) site visits to Regis University March 31st – April 1st and to the University of Colorado Denver College of Nursing March 4th – March 6th.

The Board noted the national nursing accreditation site visits scheduled for 2009 from the National League for Nursing Accreditation Commission (NLNAC) for Morgan Community College February 10th – 12th, National American University February 17th – 19th 2009, and Front Range Community College, Larimer Campus fall 2009.

16. NURSE AIDE TRAINING PROGRAMS REPORTS (4:16 P.M.)

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Compliance Investigator, were ratified by the Board:

I. ACTIVE INTERIM:

- 10/08/2008 St. Joseph Hospital Foundation Nurse Aide Training Program
- 11/10/2008 Pueblo Community College – Fremont Campus
- 11/10/2008 Pueblo Community College – Med Prep

II. FULL APPROVAL

- 12/09/2008 Katelens Health Care Education
- 12/19/2008 Western Colorado Area Health Education Center
- 12/19/2008 Aims Community College – Ft. Lupton Campus

III. CONTINUED FULL APPROVAL:

- 11/13/2008 Bent County Memorial Hospital
- 12/05/2008 Community Health Institute
- 12/09/2008 Health Care Center at Gunnison Living Community
- 12/09/2008 Trinidad State Junior College Valley Campus
- 12/19/2008 Brighton High School
- 12/19/2008 Bollman Technical Education Center
- 12/22/2008 Front Range Community College – Larimer Campus Adult Program
- 12/22/2008 Devonshire Acres
- 12/23/2008 Front Range Nurse Aide Training Program
- 12/23/2008 Walbridge Wing Convalescent Center
- 12/23/2008 Front Range Community College – Boulder Campus

IV. REACTIVATED CONTINUING APPROVAL

- 12/12/2008 Aims Community College Med Prep

V. INACTIVATED PROGRAMS

- 11/14/2008 Bent County Memorial Hospital

VI. CLOSED PROGRAMS

- 10/04/2008 CNA Academy

VII. CDPHE Loss

- 11/20/2008 Villas at Sunny Acres
- 11/26/2008 Four Corners Care Center

VIII. SUSPENSION REMOVED – PROGRAM COMPLIANT

- 12/04/2008 Community Health Institute

IX. DENIED APPLICATIONS

- 10/09/2008 Stillwater Executive Institute – East Denver Campus
- 11/12/2008 BEO Nurse Aide Program
- 11/26/2008 Accent Learning Systems
- 12/12/2008 Hope Hall Training Institute
- 12/15/2008 A Family Training Program

17. INACTIVE STATUS LICENSURE IMPLEMENTATION – OFFICE OF THE ATTORNEY GENERAL

The Board reviewed a confidential memorandum from Y. E. Scott, Senior Assistant Attorney General.

On January 21, 2009 at 4:17 P.M., the Board voted to enter into Executive Session in order to discuss with counsel pending or imminent court action involving the Board as a party or information or legal issues that are subject to the attorney-client privilege related to the inactive licensure status and disciplinary actions pursuant to §§24-6-402(3)(a)(II) and (III), and 13-90-107(1)(b) C.R.S. After discussion, at 4:47 P.M., the Board left Executive Session and returned to open session.

There being no further business, the State Board of Nursing adjourned the meeting at 4:47 P.M.

Candace Berardinelli, PhD, RN, Vice President
State Board of Nursing